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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,928	03/30/2001	Thomas N. Turba	RA 5390 (33012/320/101)	8178
27516	7590	05/19/2005	EXAMINER	
UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			NGUYEN, MERILYN P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,928

Applicant(s)

TURBA, THOMAS N.

Examiner

Merilyn P. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

1. In response to the communication dated 02/22/2005, claims 1-20 are pending in this office action.

Specification

2. The disclosure is objected to because of the following informalities:
 - o Cross-reference must be updated to include corresponding patent number at page 1, lines 6-9 of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, line 9, and 19, line 2, there is insufficient antecedent basis for “said responding means” in the claim.

Regarding claim 1, line 17, there is insufficient antecedent basis for “said plurality of discrete and independent steps”

Double Patenting

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4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 6, 11, and 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 11, and 16 of copending Application No. 09/822686. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations.

Regarding claims 1, 6, and 16 of the instant application, these claims recite all the elements of claims 1, 6, and 16 of the '686 application, except that it further includes the limitation of presenting a plurality of valid steps as choices or selections for addition to each of plurality of discreet and independent steps. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the limitation of presenting a plurality of valid steps as choices or selections for addition to each of plurality of discreet and independent steps as claimed in the instant application, since with or without this limitation, the scope of the invention would not being changed. Further more, it's well known in the art that

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for each step there is always sub steps in order to a complete function. The motivation would have been to expand the overall use of claimed invention at no significant cost.

The subject matter of claims 2, 3, 5, 7-10, and 18-20 of the '686 application are same as claims 2, 3, 5, 7-10, and 18-20 of instant application.

Regarding claim 11 of the instant application, this claim recites all the elements of claim 11 of the '686 application, except that it further includes the iteration/repetition of steps in claim 11 of '686 application. It would have been obvious to one having ordinary skill in the art at the time the invention was made to repeat or iterate the steps of '686 application as claimed in the instant application. The motivation would have been to expand the overall use of claimed invention at no significant cost.

The subject matter of claims 13, 14, and 15 of the '928 application are same as claims 13, 14, and 15 of the instant application.

6. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Glaser (US 6,058,264).

Regarding claim 1, Glaser discloses in a data processing system (Figs. 1-4, Glaser et al.) having a user terminal operated by a user (Client Computer 102, Fig. 1, Glaser et al.), the improvement comprising:

- a data base management system (RDBMS 126, Fig. 1) having a data base with executes an ordered sequence of command language script to modify data within said data base (Col. 4, lines 21-35) coupled to said user terminal via a publicly accessible digital data communication network (Network Server 110, Fig. 1);
- wherein said user terminal builds and stores within said database for future use a service specifying a plurality of database management functions for utilizing a data base management system to modify data from said database (Col. See col. 9, lines 14-26); and
- a Data Wizard (Extender Smart Guide 422, Fig. 4) which permits said user to build said service as a table defined by an ordered sequence of discrete and independent sub tables which defining steps which correspond to said ordered sequence of command language script (See col. 6, lines 1-12, and col. 9, lines 20-31) and which presents a plurality of valid steps as choices for addition at each position in said plurality of discrete and independent steps (Col. 8, lines 7-10).

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Regarding claim 6, Glaser discloses an apparatus comprising:

- a. a user terminal (Client Computer 102, Fig. 1, Glaser et al.);
- b. a database management system (RDBMS 126, Fig. 1) which executes an ordered sequence of command language script to modify data within a data base (Col. 4, lines 21-35) responsively coupled to said user terminal via a publicly accessible digital data communication network (Network Server 110, Fig. 1); and
- c. a Data Wizard (Extender Smart Guide 422, Fig. 4) responsively coupled to said user terminal and said data base management system which permits a user to build for future use a service to perform at least one data base management function from said user terminal in accordance with an order sequence of discrete and independent steps (See Fig. 7A-7G) corresponding to said ordered sequence of command language script to modify data within said data base and which presents a plurality of valid steps as choices for addition to said ordered sequence of discrete and independent steps (Col. 8, lines 7-10).

Regarding claims 2 and 7, Glaser discloses said publicly accessible digital data communication network further comprises the Internet (See col. 3, lines 67 to col. 4, lines 1, Glaser et al.).

Regarding claims 3, 9, and 13-14, Glaser discloses said user terminal further comprises an industry compatible personal computer (Client Computer 102, Fig. 1, Glaser et al.) having a commercially available browser (Browser 108, Fig. 1, Glaser et al.).

Regarding claims 4, 8, and 12, Glaser discloses said Data Wizard inhibits presentation of any step which would not be valid for the corresponding position within said ordered sequence (See Col. 8, lines 5-10, wherein the presentation of any step is inhibited by using "delete button" Glaser at el.). In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

Regarding claims 5, 10, and 15, Glaser teaches a commercial data base management system (See col. 3, lines 49-56, Glaser at el., wherein Glaser system is primarily targeted to enterprise customers).

Regarding claim 11, Glaser discloses a method of dynamically building a service defined by a table which specifies at least one data based management function as addressed above in claim 1 from a user terminal coupled via a publicly accessible digital data network to a remote data base management system which responds to an ordered sequence of command language script having a component building process (See columns 6-9). Glaser teaches an ordered sequence of steps at Fig. 7A through Fig. 7G. Glaser/Black presents plurality of potential steps

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within each of the ordered sequence of steps at Fig. 7C and col. 8, lines 5-10, wherein user can select to either adding , deleting , or updating attributes. After chosen the desired attributes, the user click “next” to proceed next one of the order sequence of steps (Fig. 7D; Glaser at el.). This process repeats until user clicks “Finish” to complete the service (768, Fig. 7G, Glass et al.).

Glaser further discloses storing said completed service within said remote data base management system for future use (See col. 9, lines 21-26).

Regarding claim 16, Glaser discloses an apparatus comprising:

- a. permitting means for permitting a user to access publicly accessible digital data communication network (See Browser 108, Fig. 1, and col. 3, line 67 to col. 4, line 3);
- b. providing means (Database Server 122, Fig. 1) responsively coupled to said permitting means via said publicly accessible digital data communication network for providing data base management services to modify data within a data base (See col. 3, lines 50-56 and col. 4, lines 21-36);
- c. designing means (See col. 7, lines 18-25) responsively coupled to said permitting means and said responding means for designing a service to modify said data within said data base through specification of an ordered plurality of discreet and independent steps (See Figures 7A-7G);
- d. presenting means (extender smart guide windows 448, Fig. 4) responsively coupled to said designing means for presenting a plurality of valid potential

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steps for selection of each of said ordered plurality of discreet and independent steps (See Figures 7A-7G, and col. 7 and col. 8); and

e. storing means (storage device 124) for storing said service within said data base for future use (See col. 9, lines 21-26).

Regarding claim 17, Glaser discloses inhibiting means for inhibiting presentation of any step which would not be valid for the corresponding position within said ordered sequence (See Col. 8, lines 5-10, wherein the presentation of any step is inhibited by using “delete button” Glaser at el.).

Regarding claim 18, Glaser discloses said publicly accessible digital data communication network further comprises the Internet (See col. 3, lines 67 to col. 4, lines 1, Glaser at el.).

Regarding claim 19, Glaser discloses a commercial data base management system (See col. 3, lines 49-56, Glaser at el., wherein Glaser system is primarily targeted to enterprise customers).

Regarding claim 20, Glaser discloses said user terminal further comprises an industry standard personal computer (Client Computer 102, Fig. 1, Glaser at el.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beall (US 6,169,992), in view of Black (US 6,285,998).

Regarding claim 6, Beall discloses an apparatus comprising:

- a. a user terminal (Client Computer 4018);
- b. a database management system (Fig. 6) which executes an ordered sequence of command language script (787, Fig. 43, col. 36, line 64 to col. 37, line 35) to modify data within a data base (See Col. 43, lines 41-53, and col. 50, lines 9-16) responsively coupled to said user terminal via a publicly accessible digital data communication network (Col. 3, line 20 to col. 4, line 1); and
- c. a Data Wizard (Figures 27-31) responsively coupled to said user terminal and said data base management system which permits a user to build a service to perform at least one data base management function from said user terminal in accordance with an order sequence of discrete and independent steps corresponding to said ordered sequence of command language script (See col. 37, lines 14-21) to modify data within said data base and which presents a plurality of valid steps as choices for addition to said ordered sequence of discrete and independent steps (See col. 30, line 1 to col. 31, line 11).

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Beall is silent as to storing this service for future use. On the other hand, Black teaches generating reusable database queries (queries correspond to services) by using wizard and storing queries in the query storage area for future user (See col. 4, line 60 to col. 5, line 28, Black et al.). It would have been obvious to one having ordinary skill in the art to at the time of the invention was made to storing the service for future use as taught by Black. One would have been motivated to modify Beall system as per above for reusing the stored query so that user can perform database management function quickly.

Regarding claim 7, Beall/Black discloses said publicly accessible digital data communication network further comprises the Internet (Internet 5124, Fig. 3, Beall at el.).

Regarding claim 8, Beall/Black discloses said Data Wizard inhibits presentation of any step which would not be valid for the corresponding position within said ordered sequence (Col. 30, lines 6-7, wherein the presentation of any step is inhibited by using "cancel button", Beall at el.).

Regarding claim 9, Beall/Black discloses said user terminal further comprises an industry compatible personal computer (Client Computer 4018, Fig. 3, Beall at el.) having a commercially available browser (WWW Browser 4014, Fig. 3, Beall at el.).

Regarding claim 10, Beall/Black teaches a commercial data base management system (See col. 3, lines 31-59, Beall at el.).

Response to Arguments

9. Applicant's arguments filed on 02/22/2005 with respect to claims 1-20 have been fully considered but they are considered moot in view of the new grounds of rejection.

Applicant's remarks regarding the provisional double patenting rejection are noted. However, absent a terminal disclaiming or amendment patentability differentiating the inventions, the rejection stands.

Applicant argues that Glaser/Black does not teach or suggest the limitation of modifying data. The examiner respectfully points out that this limitation is recited at Column 43, lines 41-53 and column 50, lines 9-16 wherein a schema editor of the database management system is provided for modifying data such as adding, moving and deleting attributes. One having ordinary skill in the art would have recognized that attributes are data in the object-oriented database.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MN

May 13, 2005


FRANTZ COBY
PRIMARY EXAMINER